

REMARKS

The application has been amended to correct the cited informalities, to distinguish the claimed invention over the cited prior art, and to place the application, as a whole, into *prima facie* condition for allowance at this time. Substantial care has been taken to avoid the introduction of any new subject matter into the application as a result of the foregoing amendments.

Applicant is submitting contemporaneously herewith a Request for Continued Examination, with requisite fee, in order to lift the "final" status of the presently pending office action, and to ensure entry and consideration of the present Amendment and Communication after Final Action.

The drawings have been objected to on the basis that that drawings contain reference character(s) not found in the specification, namely reference numeral 156; and amendment of the drawings has been required. In response thereto, as an alternative, Applicant has amended the specification at the indicated location, to provide appropriate mention, in the specification, of reference numeral 156. Applicant respectfully submits that support for this amendment of the specification is found in the drawings originally filed in the present application, namely Figures 11, 11a, 12 and 13. Accordingly, entry and acceptance of the amendment to the specification are respectfully solicited, and it is further respectfully submitted that the Examiner's basis for objection to the drawings should be deemed overcome. Therefore, reconsideration and withdrawal of the objection to the drawings are respectfully solicited.

Claims 1 - 2 and 4 have been rejected under 35 U.S.C. 102(b) as being anticipated by *Nygård*, US 6,857,832 B2. Claims 5 - 6 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Nygård*, in view of *Crisp*, US 2,769,355. Claims 7 - 11 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Nygård*, in view of *Crisp*, US 2,769,355, and further in view of *Guehring et al.*, US 6,213,692. Applicant respectfully traverses the Examiner's substantive bases for rejection of the claims. In particular, Applicant respectfully traverses certain ones of the characterizations made with respect to the purported teachings of the cited references.

Independent claims 1 and 8 have been amended to include the limitation that the axial relief surfaces intersect the extreme tip of the drill. Applicant respectfully submits that complete support for this amendment is clearly shown in Figs. 11, 12 and 13. Accordingly, entry and acceptance of these amendments to claims 1 and 8 are respectfully solicited.

The *Nygård*, US 6,857,832 B2 reference, particularly the embodiment of Figs 2 - 4, upon which the Examiner has relied to form a basis for rejecting the claims, discloses, not a brad point drill but a chisel point, in which there is not a single extreme tip or point, but a chisel edge, which is clearly shown in Figs. 3 and 4. Accordingly, for that reason alone, the *Nygård*, US 6,857,832 B2 reference fails to teach or suggest the drill structure of Applicant's independent claim 1, wherein the limitations of an extreme tip, and two spur structures are recited.

In addition, the surfaces 10b, which the Examiner asserts are equivalent to the axial relief surfaces claimed by Applicant (which assertion Applicant continues to respectfully traverse), fall far short of the *chisel edge* of the drill bit. Applicant's invention of amended independent claim 1 requires that the axial relief surfaces intersect the extreme tip of the drill. There is absolutely no teaching or suggestion within the *Nygård*, US 6,857,832 B2 reference, toward a modification of that structure, to extend surfaces 10b all the way to the chisel point as that would require substantial modification of the design of that structure. Applicant respectfully submits that this further limitation even further distinguishes the invention of claim 1 over the cited *Nygård*, US 6,857,832 B2 reference.

For the foregoing reasons, Applicant respectfully submits that the *Nygård*, US 6,857,832 B2 reference completely fails to teach or suggest Applicant's invention of amended independent claim 1, and that that claim patentably distinguishes over that reference. Therefore, Applicant submits that the Examiner's substantive basis for rejection of independent claim 1 should be deemed overcome. Reconsideration and withdrawal of the rejection of claim 1, and allowance thereof, are respectfully solicited.

Applicant further respectfully submits that the *Nygård*, US 6,857,832 B2 reference may not be further modified to have an extreme tip (point), because it is a

critical feature of the disclosure of the *Nygård*, US 6,857,832 B2 reference, that it include a pilot center "tip" 2 having discrete sides 7 (col. 4, ll. 7 - 12).

Applicant further respectfully submits that, inasmuch as neither of the *Crisp*, US 2,769,355, and *Guehring et al.*, US 6,213,692 references has axial relief surfaces, neither reference can be even remotely deemed to teach or suggest extending axial relief surfaces to an extreme tip (point), of the drill. The *Crisp*, US 2,769,355 reference even lacks an extreme tip (point), having instead a chisel point. As such, both references are hopelessly incapable of teaching or suggesting any kind of structure even remotely similar to the planar axial relief structures of Applicant's invention of amended independent claim 8. Therefore, the Examiner's proposed combination of the *Nygård*, US 6,857,832 B2, *Crisp*, US 2,769,355, and *Guehring et al.*, US 6,213,692 references, even when taken together, fail to teach or suggest Applicant's invention of amended independent claim 8. Therefore, Applicant submits that claim 8 patentably distinguishes over the cited combination, and that the Examiner's substantive basis for rejection of claim 8 should be deemed overcome. Reconsideration and withdrawal of the rejection of claim 8, and allowance thereof, are respectfully solicited.

Accordingly, Applicant submits that Applicant's invention of amended claims 1 and 8 patentably distinguish over each of the *Nygård*, US 6,857,832 B2; *Crisp*, US 2,769,355 and *Guehring et al.*, US 6,213,692 references, whether taken alone or in combination with one another, and that the Examiner's bases for rejection of claims 1 and 8 should be deemed overcome. Therefore, reconsideration and withdrawal of the rejection of claims 1 and 8, and allowance thereof, are respectfully solicited.

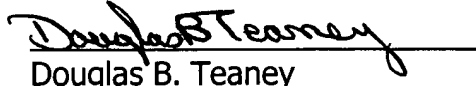
Inasmuch as dependent claims 2 - 7 and 9 - 11 merely serve to further define the inventions of independent claims 1 and 8, respectively, which themselves should be deemed allowable, reconsideration and withdrawal of the rejections of claims 2 - 7 and 9 - 11, and allowance thereof, are respectfully solicited.

Applicant submits that the application as a whole, including all of claims 1 - 11, is in *prima facie* condition for allowance, and reconsideration and allowance of the application as a whole are respectfully solicited.

Should anything further be required, a telephone call to the undersigned, at (312) 456-8400, is respectfully invited.

Respectfully submitted,
GREENBERG TRAURIG, LLP

Dated: June 20, 2006


Douglas B. Teaney
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 20, 2006.

